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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,460	02/28/2002	Steven W. Trovinger	10014012	4991
7590	01/23/2004		EXAMINER	
HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400			HENDERSON, MARK T	
			ART UNIT	PAPER NUMBER
			3722	
DATE MAILED: 01/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Applicant No.	Applicant(s)
	10/084,460	TROVINGER, STEVEN W.
Examiner	Art Unit	
Mark T Henderson	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 October 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 21 and 22 is/are allowed.
- 6) Claim(s) 1-3 and 5-20 is/are rejected.
- 7) Claim(s) 4 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 February 2002 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: _____ .                                   |

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## **DETAILED ACTION**

### **Faxing of Responses to Office Actions**

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing of responses to Office Actions directly into the Group at (703)872-9306. This practice may be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

1. The examiner has withdrawn the previous restriction requirement.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "238" and "148" have both been used to designate a supporting side. A proposed drawing correction or corrected drawings are required in reply to the Office action to

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avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Reference "148" as stated in Par. 37, and Reference "534" as stated in Par. 39, are not shown in the drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5, 6, 11, 12, 14, 15, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleinhenn (5,615,871) in view of St. Denis (4,083,551).

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Kleinhen discloses in Fig. 1,5-9, a booklet maker and a method of making booklets comprising a collecting device (22) having two opposite supporting sides (22a and 22b) formed with a saddle shape which converge at a supporting edge (22c); a rotatable transferring device (40) including a displaceable clamping component (168), wherein the transferring device (40) delivers a folded sheet material (14) to the collecting device (22) along a non-linear path; and the collecting device receives the folded sheet material (seen in Fig. 8), such that the folded sheet portions (66 and 144) are supported by different sides of the two supporting sides (22a and 22b) of the collecting device (22); wherein the transferring device further comprises a rotatable arm (88, which rotates around pivot connection 90) along an arc (A); a fixed clamping component (160), wherein the folded sheet (14) is delivered to the collecting device (22) by clamping a portion (area near folded edge) between the displaceable clamping component (168) and fixed clamping component (160) which clamps the folded sheet and by rotating the rotatable arm (88); wherein the transferring device is configured to simultaneously secure different portions (66 and 144) of the folded sheet against the different supporting sides (22a and 22b), wherein the securing is done by forming a fold edge in the sheet (seen in Fig. 8 and 9) which allows the sheet to lay securely on the saddle (22); a folding device (206 and 128, as seen in Fig. 5 and 6); a hole punching/stapler device (Col. 2, lines 54-60) wherein a staple punches a hole through the sheets and the staple is further passed through the sheets to binding purposes; transferring additional folded sheets individually to the collecting device (as seen in Fig. 7-9), wherein an inner fold edge (1) is received by an outer fold edge (2) of a previously folded sheet. Kleinhen further discloses in

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Col. 2, lines 60 and 61, and Col. 3, lines 31-33 that various types of collecting devices can be used.

However, Kleinen does not disclose: a pivotable collecting device.

St Denis discloses in Fig. 2 and 4, a collecting device (14) which displaces by pivoting around a Y-axis while it displaces laterally chain conveyor wherein the chain conveyor forms a loop in which the collecting device is reused to collect and convey additional booklets.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kleinen's booklet maker and method of making books with a collecting device that pivots as taught by St. Denis for the purpose of allowing the collecting device to repeat its function of collecting booklets.

5. Claims 1, 7-10, 13, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allan et al (6,099,225) in view of Kleinen and further in view of St. Denis.

Allan et al discloses in Fig. 1, 2 and 4, a booklet maker and a method of making booklets comprising a collecting device (460) including two supporting sides, a transferring device (400), a folding device (430) for establishing a fold (240A) in a trimmed sheet material (wherein Fig. 2 discloses that the sheet is trimmed (220) by cutting (450) before it is folded); an input feed device (210) connected to an output tray (not shown) of a printing device (110); and a processing unit (Col. 4, lines 20-67).

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However, Allan et al does not disclose a pivotable collecting device and a rotatable transferring device.

Kleinhens discloses in Fig. 1,5-9, a booklet maker and a method of making booklets comprising a collecting device (22) having two opposite supporting sides (22a and 22b) formed with a saddle shape which converge at a supporting edge (22c); a rotatable transferring device (40) including a displaceable clamping component (168), wherein the transferring device (40) delivers a folded sheet material (14) to the collecting device (22) along a non-linear path; and the collecting device receives the folded sheet material (seen in Fig. 8), such that the folded sheet portions (66 and 144) are supported by different sides of the two supporting sides (22a and 22b) of the collecting device (22).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Allan et al's booklet maker and method of making booklets with a rotatable transferring device as taught by Kleinhens for the purpose of providing an alternative means in which to convey a sheet material from the folding device to a collecting device.

However, Allan et al as modified by Kleinhens does not disclose: a pivotable collecting device.

St Denis discloses in Fig. 2 and 4, a collecting device (14) which displaces by pivoting around a Y-axis while it displaces laterally chain conveyor wherein the chain conveyor forms a loop in which the collecting device is reused to collect and convey additional booklets.

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Allan et al's booklet maker and method of making books with a collecting device that pivots as taught by St. Denis for the purpose of allowing the collecting device to repeat its function of collecting booklets.

*Allowable Subject Matter*

6. Claims 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 21 and 22 are allowed.
8. The following is a statement of reasons for the indication of allowable subject matter: No prior art of record discloses a system for making booklets comprising a folding device; a pivotable collecting device being saddle-shaped; a rotatable transferring device including a displaceable clamping component, and a collecting drive for clamping a portion of the folded sheet material against the collecting device and for advancing the portion along a side of the collecting device; a

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rotatable arm; and a fixed clamping component wherein the folded sheet is delivered to the collecting device by clamping a portion of the folded sheet and by rotating the rotatable arm.

***Prior Art References***

The prior art references listed in the attached PTO-892, but not used in a rejection of the claims, are cited for (their/its) structure. Trovinger, Trovinger ('061), Trovinger ('267), Trovinger ('644), Trovinger ('756), Trovinger ('705), Boss, Hartsoe, Muller, Hansch, Honnegger, Hartmann et al, Trovinger ('583), Lehmann et al, Mandel et al, Cruz et al, Horii et al, Boss et al, Cracknell, Stauber, Hansch (148), Honegger ('108), Moser, Moser ('141), Reist, Glanzmann, McCain et al, Honegger ('110), Trovinger et al ('304), Trovinger et al ('302), Schlough, Mowry et al, Auksi, Samuels, Hansch ('666), Hansch ('667), Hansch ('926), Honegger ('014), Honegger ('033), Meier, and Meier et al disclose similar booklet makers.

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### Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (703)305-0189. The examiner can be reached on Monday - Friday from 7:30 AM to 3:45 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, A. L. Wellington, can be reached on (703) 308-2159. The fax number for TC 3700 is (703)-872-9302. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 3700 receptionist whose telephone number is (703)308-1148.



MTH

January 10, 2004



Daniel W. Howell  
Primary Examiner  
Art Unit 3722